

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**THE UNITED STATES OF AMERICA**

**vs.**

**CR. NO. 99CR00109-OO7 (FAB)**

**JOSE VILLEGAS-RUSSO**

\* \* \* \* \*

**MOTION FOR SHOW CAUSE HEARING AND  
REQUEST FOR ARREST WARRANT**

**TO THE HON. FRANCISCO A. BESOSA  
UNITED STATES DISTRICT JUDGE  
DISTRICT OF PUERTO RICO**

**COMES NOW, MIRIAM FIGUEROA, UNITED STATES PROBATION OFFICER** of this Honorable Court, presenting an official report upon the conduct and attitude of the offender, José Villegas-Russo, who on the October 27, 1999, was sentenced by Your Honor to serve a term of imprisonment of fifty-one (51) months to be followed by a term of supervised release of three (3) years for a violation of Title 18, United States Code, Sections 922 (a) (1)(A). On August 19, 2004, Mr. Villegas-Russo was released from custody to commence the imposed supervised release term. Besides the standard conditions of supervision, Mr. Villegas-Russo was ordered to refrain from any unlawful use of controlled substances, submit to urinalyses and participate in a drug treatment program if needed. A special assessment in the amount of \$100.00, was also imposed which was paid on July 2, 1999. On August 24, 2006, offender's supervised release term was revoked and he was sentenced to an imprisonment term of twelve (12) months and a supervised release term of twenty-four (24) months. Mr. Villegas-Russo was again released on August 22, 2007 to commence his new supervised release term.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR  
CAUSE AS FOLLOWS:**

**1. VIOLATION OF SPECIAL CONDITION - “THE DEFENDANT SHALL PARTICIPATE IN A DRUG TREATMENT PROGRAM (IN-PATIENT OR OUT-PATIENT) AND SUBMIT TO RANDOM URINALYSIS IN ACCORDANCE WITH THE DRUG AFTERCARE PROGRAM POLICY OF THE U.S. PROBATION OFFICE APPROVED BY THIS COURT. THE DEFENDANT IS REQUIRED TO CONTRIBUTE TO THE COST OF SERVICES RENDERED (CO-PAYMENT) BASED ON THE ABILITY TO PAY OR AVAILABILITY OF THIRD PARTY PAYMENTS, AS APPROVED BY THE COURT. ”**

**2. VIOLATION OF SPECIAL CONDITION - “ THE DEFENDANT SHALL SUBMIT TO A PSYCHIATRIC AND/OR PSYCHOLOGICAL EVALUATION, AND, IF NEEDED, PARTICIPATE IN A MENTAL HEALTH TREATMENT PROGRAM ARRANGED AND APPROVED BY THE PROBATION OFFICER UNTIL DISCHARGED BY AUTHORIZED PROGRAM PERSONNEL WITH THE APPROVAL OF THE PROBATION OFFICER.”**

On September 12, 2007, offender was referred to an ambulatory drug treatment program wherein on September 20 and October 3, 2007, respectively, a drug and mental health assessment were performed. As such, he was immediately referred to Phase II of said treatments, however, as of the submission of this motion, he has only attended three individual and group counseling sessions. In spite of having referred offender to drug and mental health treatments, he has shown no interest in receiving ambulatory treatment. When confronting offender with his non-compliance, he would state that he was not in need of said treatments nor does he believe in same.

**2. VIOLATION OF STANDARD CONDITION 2: "THE DEFENDANT SHALL REPORT TO THE PROBATION OFFICER AS DIRECTED; AND SHALL SUBMIT A TRUTHFUL AND COMPLETE WRITTEN REPORT WITHIN FIVE (5) DAYS OF EACH MONTH."**

On October 4, November 26, and 29, 2007 and January 8, 2008, messages were left with offender's grandmother, instructing Mr. Villegas-Russo to report the following day for a surprise urine sample and he failed to do so. On November 7, 2007, a message was left for offender with his boss and a co-worker to report the following day for a urine sample and he also failed to report as instructed. Additionally, offender had an office appointment scheduled for April 8, 2008 and he failed to comply with same. On April 12, 2008, this officer visited offender in Corozal, Puerto Rico, however, he was not home. His grandmother informed that he was spending the weekend with friends at the Inter-College Games in Ponce. A message was left for him to report to the office the following Monday, April 14, 2008, for a surprise urine sample and office visit, however, he never showed up nor did he contact his U.S. Probation Officer. On April 17, 2008, another message was left for offender with his grandmother to report the following day for a urine sample and office visit and again offender failed to report as requested. Mr. Villegas-Russo has also failed to provide the addresses where he stays when he is not at his recorded residence. Additionally, offender has not submitted his Monthly Supervision Reports since March 2008.

**WHEREFORE**, I declare under penalty of perjury, that the above mentioned in true and correct. In view that the offender violated his conditions of release, we respectfully request , that the Court issue a an arrest warrant so that he may appear before this Honorable Court to show cause why his supervised release term should not be revoked. Thereupon, he to be dealt with pursuant to law.

In San Juan, Puerto Rico, this 5<sup>th</sup> day of June 2008.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF  
UNITED STATES PROBATION OFFICER

s/Miriam Figueroa

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#### **CERTIFICATE OF SERVICE**

I HEREBY certify that on June 5, 2008, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Evelyn Canals-Lozada, Assistant U.S. Attorney's Office and to Joseph Laws, Federal Public Defender.

In San Juan, Puerto Rico on June 5<sup>th</sup>, 2008.

s/Miriam Figueroa

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